



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



LETTER OF DEFICIENCY

WD WQE 03-07

July 7, 2003

CVI Real Estate and Development, LLC
19 Main Street
Salem, New Hampshire 03079

RE: Violations of RSA 485-A:17
Regency Heights, Manchester, NH

Dear Sir/Madam:

On June 18, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of your property located in Manchester, New Hampshire, more specifically identified on City of Manchester Tax Map 767 as Lot 7A ("the Property"). The purpose of this inspection was to determine compliance with RSA 485-A:17 and Env-Ws 415.

During the field inspection the following deficiencies were documented:

- 1 Erosion control measures on the Property, particularly in the vicinity of station 4 + 75, downslope of the rip-rap apron leading to the perennial stream, were not adequate and had not been maintained.
- 2 The disturbed area in the vicinity of station 4 + 75 had not been stabilized and erosion of unstable soils was evident at this location on the Property.
- 3 Sediment had entered a perennial stream downslope of the rip-rap apron noted in #1 above.
- 4 The approved construction sequence had not been adhered to, specifically items #8, 10, 13 and 17.

In response, you are requested to take the following action:

- 1 Immediately install erosion and sediment control measures in the area of station 4 + 75, downslope of the rip-rap apron leading to the perennial stream.
- 2 Within 5 days of the date of this LOD, seed and mulch/mat the area immediately downslope of the rip-rap apron.
- 3 Within 20 days of the date of this LOD, submit a stream restoration plan to DES for review and approval. The restoration plan shall be prepared by a certified wetland scientist, and include provisions for removal of sediment from surface waters impacted by construction activities on the Property. The following shall be submitted with the restoration plan:


- a. A detailed description of the proposed means of erosion control during removal of the accumulated sediment in order to prevent further migration of sediment in the stream.
 - b. A description of the proposed construction sequence, equipment, methods for accomplishing restoration and anticipated restoration compliance date. Work shall be conducted during low flow conditions and completed no later than September 15, 2003.
4. Retain a qualified wetland scientist to supervise the implementation of the restoration plan prepared in accordance with item #3 above and to submit restoration progress reports.
 5. Implement the restoration plan proposed in accordance with item #4 above only after receiving written approval, and as conditioned, by DES.
 6. Within 5 days of the date of this LOD, install dandy bags in CB 100 and CB 101, as per item # 10 of the construction sequence.

DES believes that the cited deficiencies can be corrected within the time periods established within this LOD. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A and RSA 485-A:17 may result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties.

Should you have any questions regarding this letter, please contact Ana Ford at (603) 271-3380.

Sincerely,


COPY
Ridgely Mauck, P.E.
Supervisor
Site Specific Program

CERTIFIED MAIL RR # 7099 3400 0002 9774 7657

cc: Mark Harbaugh, DES Legal Unit
City of Manchester Conservation Commission
City of Manchester Planning Board
Roland Houle, Complainant